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SUBJECT: THAILAND CIVAIR: FAA-DCA CONSULTATIONS ON AVIATION SAFETY
OVERSIGHT CONTINUE

REF A. STATE 69101

1B. 05 BANGKOK 5681

11. SUMMARY: On May 15, 2005, pursuant to REF A, visiting representatives from the Federal Aviation Administration (FAA) met with counterparts at the Royal Thai Government (RTG) Department of Civil Aviation (DCA) to discuss RTG aviation safety oversight of Thai air carriers. Discussions focused primarily on the measures the DCA has taken to correct the deficiencies identified by the International Civil Aviation Organization (ICAO) inspectors during their 2005 audit of Thailand. DCA officials have developed and begun to implement an action plan based on the findings of the ICAO audit. FAA representatives informed their DCA counterparts that bilateral consultations have reached the point where the FAA will need to do a follow-on audit of its own, possibly as early as October 2006. END SUMMARY

12. On May 15, Mike E. Daniel, Manager, International Programs and Policy Division, FAA Flight Standards Service, and David M. Smith, Manager, FAA International Field Office, Singapore, met for about two hours with a team of DCA officials led by Chaisak Angkasuwan, Director General, and Vutichai Singhamany, Director, Flight Standards Bureau, as a follow-up to a previous meeting in August 2005 (REF B). The atmosphere of the meeting was friendly and business-oriented.

13. The final report on the ICAO audit of Thailand in 2005 served as the agenda for the meeting. DCA representatives reviewed, finding by finding, the RTG plan of action for correcting the deficiencies identified by the ICAO. Specific topics of discussion concerning aviation safety included: supervision and control of designated examiners; certification or approval, control, and supervision of aviation training organizations; safe transport of dangerous goods; the annual inspection plan; a comprehensive and detailed national code of airworthiness; and aircraft registration of compliance with ICAO Annex 16. (Note: the ICAO report on the audit of Thailand is expected to be posted on the ICAO website shortly. End note.)

14. The FAA also asked more general questions about the status of Thailand's basic aviation law and its revision. (Note: the Air Navigation Act of 1954 was last amended in 1999. End note.) The DCA confirmed that it has been revising the sections concerning airworthiness in regular consultation with the Council of State, which functions as the RTG's legal department. This review is complete and the next steps will be submission to the Cabinet and then the Parliament. In view of the caretaker status of the current government and the likely focus on constitutional issues when the next Parliament convenes, however, it is unclear when lawmakers will take up the business of enacting new legislation. Two items to note

in the revised draft of the law are its providing greater authority to the Director General of the DCA (as opposed to the Minister of Transport) to act, and provision of greater funding for DCA operations from charges such as fuel taxes. The revised law would not provide for fee-for-service funding of operations.

15. The DCA has prepared a plan of action for the above findings concerning safety, as well as for those not concerning safety. Discussion made clear that the DCA has begun implementation of such plans, and the Director General expressed his agency's commitment to safety. Without an on-the-ground audit by FAA, however, it is not possible for the USG to confirm the sufficiency or the extent of compliance with plan of action prepared for ICAO. FAA representatives explained that they envision performing such audit of progress on said plan of action after the beginning of the new fiscal year, possibly as early as October 2006.

16. With respect to operations by Thai Airways International, DG Chaisak explained that THAI apologizes for problems that arose earlier from non-compliance with US law in connection with THAI flights into New York. The DCA also noted that they are not being informed of deficiencies FAA has found in THAI operations in the United States.

17. COMMENT: While the time between now and October 2006 affords the DCA the opportunity to correct the ICAO findings, the basic problems with RTG aviation safety oversight are less with the particular findings of the ICAO inspectors than a lack of political will, as reflected in the basic aviation law, which does not sufficiently empower the DCA, and funding constraints. The Embassy thinks that DCA officials are aware of this situation, but in the current political environment it is impossible to know whether there will be any action to address such structural problems. Any inspection under the FAA's International Aviation Safety Assessment (IASA) program, therefore, raises the strong possibility that Thailand may lose its current Category 1 status and be placed in

IASA Category 2, with all of the implications of such placement.

18. Mike Daniel and David Smith of FAA have cleared on this cable.

BOYCE